

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**DIANA FALCÓN DÍAZ**

**DEBTOR**

**CASE NO. 17-03861**

**CHAPTER 11**

**MOTION TO EXTEND THE AUTOMATIC STAY**

**TO THE HONORABLE COURT:**

**COMES NOW** debtor through the undersigned attorney, and very respectfully move this Honorable Court, pursuant to 11 U.S.C. §362(c)(3)(B), for an order continuing the automatic stay provided under 11 U.S.C. §362(a) as to all creditors. In support of this motion, debtor states as follows:

1. Debtor filed a petition under Chapter 11 of the Bankruptcy Code on May 31<sup>st</sup>, 2017. A previous Chapter 13 case no. 15-06357 (MCF) was dismissed on November 30<sup>th</sup>, 2016.
2. The debtor is aware of the seriousness of this process and filed this new case in good faith. She believes that the Chapter 11 case will be feasible since she will be able to restructure the secured commercial loan using a cramdown option.
3. Debtor's prior Chapter 13 case was the only previous case that was pending during the preceding year.
4. Pursuant to 11 U.S.C. §362(c)(3)(B) "... the Court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the latter case is in good faith as to the creditors to be stayed..."

5. The presumption that the case was filed not in good faith can be rebutted in the hearing this court may schedule with clear and convincing evidence regarding the issue discussed above.

**WHEREFORE**, Debtor requests from this Court to continue the automatic stay under section 362(a) as to all creditors for the duration of this Chapter 11 proceeding, or until such time as the stay is terminated under section 362(c)(1) or (c)(2), or a motion for relief is granted under section 362(d).

**RESPECTFULLY SUBMITTED**

In Caguas, Puerto Rico, this 31<sup>st</sup> day of May 2017.

**NOTICE:** Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party in interest may file an objection to the relief hereby sought, and request a hearing. If no objection is filed within this period, the Court may grant this continuation of the stay provided under 11 U.S.C. §362(a).

**CERTIFICATE OF SERVICE:** I CERTIFY that on this same date the foregoing document has been electronically filed WITH THE Clerk of the Court using the CM/ECF system which sends notification of such filing to all system's participants, including the U.S. Trustee's Office and the Trustee. I further certify that all non-participants were served through first class mail as per the attached mailing list.

**/s/ CARLOS A. RUIZ RODRIGUEZ**

USDC-PR 210009

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